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FEB 26 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

February 26, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554


Re: MM Docket No. 99-318
RM-9745

Dear Ms. Salas:

On behalf of Associated Christian Television System, Inc., licensee of Low Power Television Station WACX-LP, Tallahassee, Florida, there are transmitted herewith an original and four (4) copies of a Withdrawal of the Comments it previously filed in the above-referenced proceeding.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,


James A. Koerner,
Counsel for
Associated Christian Television
System, Inc.

cc: Mr. Claud Bowers

23061

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of	FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY)	
)	
Amendment of Section 73.622(b),)	MM Docket No. 99-318
Table of Allotments,)	RM-9745
Digital Television Broadcast Stations.)	
(Panama City, Florida))	

To: Chief, Video Services Division

WITHDRAWAL OF COMMENTS

Associated Christian Television System, Inc. ("ACTS"), by its attorneys, hereby requests that its Comments in the above -captioned proceeding, filed December 23, 1999, be withdrawn. As rationale for this request, the following is submitted.

At the time the Notice of Proposed Rule Making in this proceeding was released, i.e., November 1, 1999, and the date comments were due, December 23, 1999, the only guiding documents for potential Class A Television Stations were the Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594-1501A-598, codified at 47 U.S.C. § 336(f) ("CBPA") and the Commission's earlier-released Notice of Proposed Rule Making in MM Docket No. 99-292, released September 29, 1999 ("Docket 99-292 NPRM").

In the Docket 99-292 NPRM, the commission stated its intention for Class A stations to protect service areas resulting from DTV allotment parameters and any additional DTV service authorized or proposed in a DTV construction permit application before the filing of a Class A TV application (Para. 27). Further, it was acknowledged that the matter of allotment adjustments raised other issues. Nevertheless, the Docket 99-292 NPRM, referencing the DTV Sixth Report and Order, proposed that modifications to the DTV Table should attempt to avoid impact on all LPTV and TV translator stations (Paras. 28-29).

The CBPA excepted from a Class A station's protection changes in the DTV Table made necessary by "technical problems" requiring an "engineering solution." This was in addition to the exception which required Class A stations to give way to service area replication by DTV stations.

Given this background, and the fact that the WPGX (TV) request for change of allotment was neither required for service area replication nor made necessary by technical problems, ACTS filed its Comments opposing the WPGX (TV) request.

Subsequently, in the Report and Order in MM Docket No. 00-10, released April 4, 2000, the Commission refused to require that full service stations requesting an adjustment to the DTV Table demonstrate that the requested change resulting in interference to a Class A station is the only possibility. Nevertheless, the FCC stated that it would review such requests on a case-by-case basis.

More recently, in its Report and Order and Further Notice of Proposed Rule Making in MM Docket No. 00-39, released January 19, 2001, the Commission seems to

have backtracked even from its Docket 00-1- pronouncements. While the issue of Class A station vs. DTV Table changes was not specifically addressed, the relative relationship between DTV rulemakings, DTV service area expansion applications and NTSC facility change applications was discussed. In light of that discussion, it appears unlikely that a Class A station, which should have been protected as to its service area on November 29, 1999, will have priority over a DTV allotment change proposed prior to that date, even though the Comment date was subsequent to the November 29, 1999, effective date of the CBPA.

While the above recitation of the background may seem unnecessary, it is offered as evidence of ACTS' good faith in filing its Comments opposing the WPGX (TV) request at the time it did so. Only subsequent pronouncements have cast doubt upon the likelihood of ACTS' success in this regard.

ACCORDINGLY, it is requested that the Comments of ACTS in the captioned proceeding be withdrawn.

Respectfully submitted,

**ASSOCIATED CHRISTIAN
TELESIVION SYSTEM, INC.**

February 26, 2001

By: 

James A. Koerner
Its Attorney

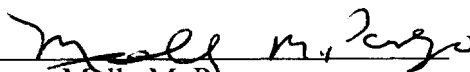
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CERTIFICATE OF SERVICE

I, Molly M. Parezo, a secretary in the law offices of Koerner & Olender, P.C., do hereby certify that a copy of the foregoing **"Withdrawal of Comments"** was served this ____rd day of February, 2001, via first class mail, postage prepaid upon the following:

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